

PATENT  
Case Docket No.: 46846

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :  
Dong-ryong KIM, et al. : Group Art Unit: 2628  
Serial No.: 10/813,280 : Examiner: Aaron M. RICHER  
Filed: March 31, 2004 : Confirmation No.: 4543  
For: DEVICE AND METHOD FOR :  
DISPLAYING PICTURES IN A :  
MOBILE TERMINAL :  
:

**RESPONSE TO SECOND ADVISORY ACTION AND REQUEST TO  
RECONSIDER ENTRY OF DECLARATION AND RELATED EVIDENCE,  
AND TO REOPEN PROSECUTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants received a second advisory action mailed March 19, 2009, indicating that the corrected declaration filed March 2, 2009 does comply with formal requirements, but that it failed to provide a showing of good and sufficient reasons why the affidavit was not earlier presented.

Applicants contacted the Examiner and the Examiner's supervisor on March 24 and 26, respectively, and conducted telephone interviews to discuss the reasons for the second advisory action, and to request that the Examiner enter the corrected declaration, since it was resubmitted to comply with a formal requirement made by the Examiner in the previous advisory action. The Examiner contacted applicants on March 26, 2009 and indicated that the declaration and evidence previously submitted

on March 2, 2009 would be accepted if applicants submitted a paper requesting the same.

Applicants initially filed a Rule 131 declaration on July 31, 2008 in order to swear behind U.S. Published Patent Application No. 2004/0203532 to Mizuta, cited in the April 1, 2008 office action. The Examiner issued a final office action on November 28, 2008, indicating that insufficient evidence of diligence was provided in support of the Rule 131 declaration. Applications re-submitted the Rule 131 declaration with the requested additional evidence on January 28, 2009. On February 25, 2009, an Advisory Action was issued indicating that the declaration submitted January 28, 2009 did not comply with *formal matters*. More specifically, the Examiner noted that the declaration was not signed by all of the inventors, and required that the declaration either: (1) include a statement that the signing inventor was the sole inventor of the subject matter claimed in claims 1-7 and 30-35, or (2) submit a petition under Rule 183 requesting waiver of the signature of an unavailable inventor, along with proof of the non-signing inventor's unavailability. Because the signing inventor is in fact the sole inventor of the subject matter of claims 1-7 and 30-35, Applicants responded to the Examiner's request with a modified declaration including a statement that the signing inventor was the sole inventor of the subject matter of claims 1-7 and 30-35. Applicants submitted the same on March 2, 2009.

Applicants submission on March 2, 2009 was merely complying with *formal matters* identified by the Examiner in the previous advisory action. Accordingly, Applicants submission was not *additional evidence submitted after a final office*

*action*, subject to the good and sufficient reason standard. In the alternative, the *good and sufficient* reason why the corrected declaration was not submitted earlier is that the modification was made in response to the Advisory Action mailed February 25, 2009, and thus Applicants *could not have* submitted the corrected declaration earlier.

In view of the above, Applicants kindly request that the resubmitted declaration filed on March 2, 2009 be entered, and that prosecution be reopened.

In view of the above, it is believed that the application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Applicants do not believe that any fees, including extension of time fees, are due with this submission. However, should any fees be required, the Commissioner is hereby authorized to charge the same to Deposit Account No. 18-2220.

Respectfully Submitted,

  
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